REMARKS

At the outset, applicants thank Examiner Mondesi, Examiner Wax, and SPE Weber for their time and consideration of the present application at the interview with Bruno Quenon, Veronique Thelliez, Didier Boulinguiez, Gaëlle Bourout, Andrew Patch, and Philip DuBois.

Claims 14-18 and 20-25 are pending. Independent claims 14, 16, 18, and 21-25 have been amended to recite a step of suspending pea flour in water at a pH between 6.2 and 7. Support for the changes to the claims may be found in the present specification for example at pg. 13, lines 10-15.

Claims 14-25 were rejected under 35 USC §103 (a) as allegedly being obvious NICKEL in view of JIANHUA et al, FERRO et al, and FITT et al. This rejection is respectfully traversed.

Nickel describes a process for preparing products form legumes such as peas. However, NICKEL does not teach the steps wherein pea flour is placed in water to form a suspension that is maintained at a pH between 6.2 and 7, and the components of the pea flour are separated by treating said suspension in at least one piece of equipment in an industrial potato starch unit selected from the group consisting of hydrocyclones, and centrifugal decanters,

without a step for separating the internal fibers of the pea from the suspension being carried out beforehand.

In order to separate the components of pea flour, NICKEL discloses treating the peas at a low pH (col. 2, lines 43-61) to minimize off-flavors. Indeed, the examples of NICKEL all utilize a low pH, while the various broader pH ranges mentioned in the more general passages of Nickel likewise do not suggest operating within the particular range claimed herein. Furthermore, while NICKEL refers to cyclones and centrifuges, there is no hint in the reference to use industrial potato starch equipment to extract and refine components from peas.

As suggested by the Examiners at the interview, applicants submit herewith a second Rule 132 Declaration providing further evidence that starch equipment and processes are conventionally dedicated to only a single starch source, i.e., pea or potato, but not both.

The declaration attaches two publications as evidence of that point: K. Rausch, *Front End to Backpipe: Membrane Technology in the Starch Processing Industry* that teach that the processing of raw materials (e.g., maize, pea, potato, and corn) and an excerpt from the website of the French Association of Starch Manufacturers (translation also provided).

FERRO et al disclose a specialized method for treating potato wastewater. However, FERRO et al neither disclose nor suggest that any of the disclosed steps or equipment for treating wastewater could be used to extract and refine components from a raw material such as pea.

As a result, applicants respectfully submit that one skilled in the art would lack the motivation to combine and modify the steps and equipment utilized for processing potato wastewater with the pea processing method taught by NICKEL.

The Official Action cites to FITT for the proposition that starch materials can be derived from various raw materials and processed with steps that involve a hydroclone. FITT disclose an absorbable dusting powder suitable for medical, consumer and industrial applications such as lubricating gloves and medical apparatus.

However, the powder is produced by treating previously prepared starch with a hypochlorite to remove protein and oxidize some of the hydroxyl groups. FITT do not teach that the disclosed steps or equipment could be used to process a raw material to obtain proteins, starch or other components that may be present. Indeed, all of the process steps and equipment disclosed by FITT are used to process a previously prepared starch.

Consequently, the reliance upon FITT is not seen to improve the more basic proposed combination of NICKEL and FERRO as outlined above.

JIANHUA et al is cited for the proposition that it would be obvious to replace an acid slurry method used for producing peas with modern starch production process techniques to develop a more efficient process. However, as noted above, utilizing modern starch production processes would deter one skilled in the art from using industrial potato starch equipment to extract and refine components from peas. Indeed, JIANHUA et al make no such suggestion.

As a result, it is believed that JIANHUA et al do not remedy the shortcomings of NICKEL, FERRO et al, and FITT et al.

In view of the above, it is respectfully submitted that the application is now in proper form for allowance.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any

additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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APPENDIX:

The Appendix includes the following item(s):

- Declaration Under Rule 132

- Article by K. Rausch, Front End to Backpipe: Membrane Technology in the Starch Processing Industry

- Excerpt from the website of the French Association of Starch Manufacturers and corresponding English translation